



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/815,913	04/02/2004	Gerry Oatway	04-01005	9309
34111	7590	08/10/2005	EXAMINER	
STEPHEN J. LEWELLYN 933 OLEANDER WAY SOUTH SUITE 3 SOUTH PASADENA, FL 33707			RODRIGUEZ, RUTH C	
		ART UNIT	PAPER NUMBER	
		3677		

DATE MAILED: 08/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/815,913	OATWAY, GERRY
	Examiner Ruth C. Rodriguez	Art Unit 3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 02 April 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-3,5-8,10 and 11 is/are rejected.
- 7) Claim(s) 4,9,12 and 13 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 02 April 2004 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some *
 - c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4/2/04</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed 02 April 2004 has been considered for this Office Action.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3, 5-8, 10 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Hobbs (US 3,678,543).

A clamp comprises a link, a ring and a finger (located at 16). The link has two side members (4,6,7) connected at a first end by a cross member (13) and attached at the other end at an apex (2). The ring has a first end (19) and a second end (16) joined together by two longitudinal side pieces (17,18). The ring is slidably attached to the link (Figs. 2-4, 9 and 10). The finger extends from one of the longitudinal side pieces of the ring (Figs. 2-4, 9 and 10).

Hobbs also discloses that:

- The link is formed of a single piece of material that forms the two side members and the cross member and the free ends of the material are joined together to form the apex (Figs. 2-4, 9 and 10).
- The ring is formed of a single piece of material forming the first end, the second end and the two longitudinal side pieces (Figs. 2-7, 9 and 10).

A clamp secures a section of rope (9) (Figs. 4 and 9). The clamp comprises a link, a ring and a finger (located at 16). The link is formed by a single piece of material forming two side members (6,7,4), a cross member (13) and an apex (2). The ring is formed by a single piece of material forming a first end (16), a second end (19) and two longitudinal side pieces (17,18). The finger extends from one of the two longitudinal side pieces of the ring (Figs. 2-7, 9 and 10). The section of rope includes a loop that is compressed between the ring and the cross member of the link (Figs. 4 and 9).

Hobbs also discloses that:

- The finger is integral with the ring (Figs. 2-7, 9 and 10).
- The side members of the link are parallel and on a common plane in space (Fig. 3).
- The finger extends perpendicular from the ring (Figs. 5 and 7).

A clamp secures a rope (9) having a section thereof formed into a loop (Figs. 4 and 9). The clamp comprises a link, a ring and a finger (located at 16). The link has two side members (4,6,7) connected at a first end by a cross member (13) and attached at the other end at an apex (2). The ring is slidably attached to the link (Figs. 2-4, 9 and 10). The ring has a first end (16) and a second end (19) joined together by two

Art Unit: 3677

longitudinal side pieces (17,18). The finger extends from one of the longitudinal side pieces of the ring towards the apex of the link (Figs. 2-4, 9 and 10).

The side members of the link disclosed by Hobbs are parallel and on a common plane so that the link is substantially flat (Fig. 3).

Allowable Subject Matter

4. Claims 4, 9, 12 and 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Leisner (US 977,642), Sova (US 2,441,336), Long (US 2,962,998), Hobbs (US 3,678,543), Wagner (US 4,019,609), Bowker (US 4,678,059) and Potter (US 5,217,092) are cited to show state of the art with respect to clamps securing a rope that have some of the features being claimed by the applicant.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ruth C Rodriguez whose telephone number is (571) 272-7070. The examiner can normally be reached on M-F 07:15 - 15:45.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on (571) 272-7075.

Submissions of your responses by facsimile transmission are encouraged. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Recognizing the fact that reducing cycle time in the processing and examination of patent applications will effectively increase the patent's term, it is to your benefit to submit responses by facsimile transmission whenever permissible. Such submission will place the response directly in our examining group's hands and will eliminate Post Office processing and delivery time as well as PTO's mailroom processing and delivery time. For a complete list of correspondence **not** permitted by facsimile transmission, see MPEP § 502.01. In general, most responses and/or amendments not requiring a fee, as well as those requiring a fee but charging such fee to a deposit account, can be submitted by facsimile transmission. Responses requiring a fee that the applicant is paying by check **should not** be submitted by facsimile transmission separately from the check.

Responses submitted by facsimile transmission should include a Certificate of Transmission (MPEP § 512). The following is an example of the format the certification might take:

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office (Fax No. (571) 273-8300) on (Date).
(Typed or printed name of person signing this certificate)
(Signature)

If your response is submitted by facsimile transmission, you are hereby reminded that the original should be retained as evidence of authenticity (37 CFR 1.4 and MPEP § 502.02). Please do not separately mail the original or another copy unless required by the Patent and Trademark Office. Submission of the original response or a follow-up copy of the response has been transmitted by facsimile will cause further unnecessary delays in the processing of your application, duplicate responses where fees are charged to a deposit account may result in those fees being charged twice.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-6640.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ruth C. Rodriguez
Ruth C. Rodriguez
Patent Examiner
Art Unit 3677

rcr
August 8, 2005